

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: KENNETH A. DOWNING  
AND PAMELA J. DOWNING**

**CHAPTER 7**

**DEBTORS**

**CASE NO. 08-10015**

**MOTION TO AVOID LIEN**

**COME NOW**, Debtors, by and through their attorney of record, and request this Honorable Court to issue an order voiding the lien of Discover Bank, Issuer of Discover Card, and in support thereof would show unto the Court as follows, to wit:

1. On the 2<sup>nd</sup> day of January 2008, Debtors filed bankruptcy and are entitled to protection under the automatic stay.
2. To the extent this lien impairs exempt property; Debtors are entitled to avoidance of said lien.

WHEREFORE, PREMISES CONSIDERED, Debtors move this Honorable Court to order the avoidance of the above lien.

RESPECTFULLY SUBMITTED,

/s/Karen B. Schneller  
KAREN B. SCHNELLER, MSB # 6558  
ATTORNEY AT LAW  
POST OFFICE BOX 417  
HOLLY SPRINGS, MISSISSIPPI 38635  
(601) 252-3224

**CERTIFICATE OF SERVICE**

I, Karen B. Schneller, Attorney for Debtors, do hereby certify that I have this day mailed, via electronic delivery or postage prepaid, a true and correct copy of the above and foregoing Motion To Avoid Lien to:

Lester F. Smith, Esq.  
721 Avignon Drive,  
Bldg 10, Suite D  
Ridgeland, MS 39157

Hon. Stephen P. Livingston  
Chapter 7 Trustee  
P. O. Box 729  
New Albany, MS 38652

U. S. Trustee  
100 West Capitol Street, Ste 706  
Jackson, Mississippi 39269

This the 8<sup>th</sup> day of January 2008.

/s/Karen B. Schneller  
KAREN B. SCHNELLER

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: KENNETH A. DOWNING  
AND PAMELA J. DOWNING**

**CHAPTER 7**

**DEBTORS**

**CASE NO. 08-  
10015**

**ORDER AVOIDING LIEN**

This matter came on to be heard this day on the motion of Debtors requesting the issuance of an order voiding the lien of Discover Bank, Issuer of Discover Card and it appearing unto the Court as follows, to wit:

1. On the 2<sup>nd</sup> day of January 2008, Debtors filed bankruptcy and are entitled to protection under the automatic stay.

2. To the extent this judgment impairs exempt property; Debtors are entitled to avoidance of said lien.

IT IS, THEREFORE, ORDERED that the above listed lien is hereby avoided, to the extent that it impairs the Debtors' exemptions.

SO ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

---

DAVID W. HOUSTON, III  
U. S. BANKRUPTCY JUDGE

KAREN B. SCHNELLER  
Attorney at Law  
Post Office Box 417  
Holly Springs, MS 38635  
662-252-3224